

OFFICIAL

RECEIVED  
CENTRAL FAX CENTER  
MAY 13 2004

001

Don W. Martens\*  
James B. Bear  
Darrell L. Olson\*  
William B. Bunker  
William H. Nieman  
Arthur S. Rose  
James F. Lesniak  
Nad A. Israelson  
Drow S. Hamilton  
Jerry T. Sewell  
John B. Sganga, Jr.  
Edward A. Schlatter  
Gerard von Hoffmann  
Joseph R. Re  
Catherine J. Holland  
John M. Carson  
Karen Vogel Weil  
Andrew H. Simpson  
Jeffrey L. Van Mooscar  
Daniel E. Altman  
Stephen C. Jensen  
Vito A. Canuso III  
William H. Shreve  
Lynda J. Zadra-Symast  
Steven J. Nalaupsky  
Paul A. Stewart  
Joseph F. Jennings  
Craig S. Summers  
AnneMarie Kaiser  
Brenton R. Babcock  
Thomas F. Smegal, Jr.  
Michael H. Trenholm  
Diane M. Reed  
Ronald J. Schoenbaum  
John R. King  
Frederick S. Berretto  
Nancy W. Vansko  
John P. Giesentanner  
Adele S. Akhtar  
Thomas R. Arno  
David N. Weiss  
Daniel Hart, Ph.D.  
Douglas G. Muehlhauser  
Lori Lee Yamato  
Michael K. Friedland  
Dale C. Hunt, Ph.D.  
Richard E. Campbell  
Stacey R. Halpern  
Lee W. Henderson, Ph.D.  
Mark M. Abumeri

Jon W. Gurka  
John W. Holcomb  
Joseph M. Reisman, Ph.D.  
Michael L. Fuller  
Eric M. Nelson  
Mark R. Benedict, Ph.D.  
Paul N. Conover  
Robert J. Roby  
Sabing H. Lee  
Karloline A. Delaney  
Joseph S. Gianfrani  
William R. Zimmerman  
Paul C. Steinhart  
Eric S. Furman, Ph.D.  
Susan M. Natland  
James W. Hill, M.D.  
Deborah S. Shepherd  
Glen L. Nuttall  
Tirzah Abé Lowe  
Sanjivpal S. Gill  
Rose M. Thiesen, Ph.D.  
Michael A. Guiliana  
Mark J. Kertz  
Rabinder N. Narula  
Bruce S. Itzhakowitz, Ph.D.  
Michael S. Okamoto  
John M. Grover  
Mallory K. De Merlier  
Iran A. Lateef  
Amy C. Christensen  
Sharon S. Ng  
Mark J. Gallagher, Ph.D.  
David G. Jankowski, Ph.D.  
Brian C. Horne  
Payson J. LeMelleur  
Sheila N. Swaroop  
Ben A. Katzenellenbogen  
Linda H. Liu  
Andrew N. Merickel, Ph.D.  
David L. Hauser  
James F. Herkenhoff  
Scott Loras Murray  
Andrew M. Douglas  
Marc T. Morley  
Salima A. Morani, Ph.D.  
Sam K. Tahmasssebi, Ph.D.  
Christy G. Lee  
Jonathan A. Hyman  
Curtiss C. Donier  
Joseph J. Mallon, Ph.D.

## Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
Tel 949-760-0404  
Fax 949-760-9502  
knob.com

### CONFIRMATION COPY WILL FOLLOW VIA:

- ☐ MAIL  
☐ INTERNATIONAL AIRMAIL  
☐ COURIER  
☐ E-MAIL  
☒ WILL NOT FOLLOW  
☐ HAND DELIVERY  
☐ WITH ENCLOSURES  
☐ WITHOUT ENCLOSURES

Thomas P. Krzeminski  
Sean M. Murray  
Eleanor Niu  
Valerie L. Bracken  
J. David Evaradtt  
Perry D. Oldham  
Jerry L. McIner, Ph.D.  
Russell M. Jelde  
Abraham W. Chuang  
Pui Tong Ho, Ph.D.  
Erik T. Anderson  
John L. Palk  
Jesse A. Rothwell  
Marc C. Baumgartner  
Danielle Klausner  
Kyle F. Schuster  
Raphael A. Gutierrez  
Demian K. Jackson  
Nathan A. Engels  
Gregory A. Hermanson  
Zi Y. Wong  
John N. Kandara  
Matthew S. Bellinger  
David X. Wiggins  
Darryl H. Steensma, Ph.D.  
Lauren J. Keller  
Tod M. Cannon  
Carol M. Pitzel  
Joan A. Villalta  
Sheila R. Gibson  
Andrew I. Kimmel  
Curtis R. Huffmire  
Tina Chen  
Brandon Gingrich, Ph.D.  
Christopher L. Rose  
Don W. Anthony, Ph.D.  
John G. Rickenbrode  
Aaron D. Barker  
Christian A. Fox  
M. Todd Hales  
Ell A. Loots, Ph.D.  
Jennifer L. Enmon, Ph.D.  
Shushil A. Ahque  
Ryan E. Melnick, Ph.D.  
Brian C. Leubitz  
Yanna S. Bouris  
Philip M. Nelson  
Karl L. Klassen  
Jason T. Evans

Of Counsel  
Louis J. Knobbe\*  
Jerry R. Sellar  
Japanese Patent Atty  
Katsuhiko Arai  
Tomohisa Sugiyama

Korean Patent Atty  
Mincheol Kim  
Heungsao Choi

Scientists & Engineers  
(Non-Lawyers)

Raimond J. Salenleka\*\*  
Khurram Rahman, Ph.D.  
Jennifer Haynes, Ph.D.\*\*  
Che S. Charasakul, Ph.D.\*\*  
James W. Ausley\*\*  
Kirk E. Pastorian, Ph.D.\*\*  
Connie C. Tong, Ph.D.\*\*  
Suzanne Japson, Ph.D.\*\*  
Mira M. Brand\*\*  
Tiffany C. Miller\*\*  
James W. Chang, Ph.D.\*\*  
Marina L. Gorday, Ph.D.\*\*  
W. Frank Dauerer  
Lang J. McHardy\*\*  
Karen J. Lenker  
Chris Westberg, Ph.D.  
Eric B. Ives, Ph.D.\*\*  
Raymond D. Smith, Ph.D.

\* A Professional Corporation  
† Also Barrister At Law (Eng. & Wales)  
\*\* U.S. Patent Agent  
†† Also Solicitor of Patents

### Facsimile Transmittal Sheet

#### Confidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; and any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO: Examiner Neill R. Wilson  
FIRM: United States Patent and Trademark Office  
YOUR REF.: Serial No. 10/728,693  
FACSIMILE NO.: (703) 872-9306  
FROM: Michael A. Guiliana  
DATE: May 13, 2004

OUR REF.: TRACKER.1C1DVI  
Group Art Unit: 3679

OPERATOR: Ping-Ping Tang  
NO. OF PAGES: 4 (incl. cover sheet)  
TIME:

IF YOU DID NOT RECEIVE ALL OF THE PAGES PLEASE CALL BACK IMMEDIATELY

OPERATOR PHONE NO.: (949) 760-0404

FACSIMILE NO.: (949) 760-9502

MESSAGE:

550 West C Street  
Suite 1200  
San Diego CA 92101  
Tel 619-235-6550

201 California Street  
Suite 1150  
San Francisco CA 94111  
Tel 415-954-4114

1801 Avenue of the Stars  
Suite 1500  
Los Angeles CA 90067  
Tel 310-551-3450

3403 Tenth Street  
Suite 700  
Riverside CA 92501  
Tel 951-781-9231

1114 Marsh Street  
San Luis Obispo CA 93401  
Tel 805-547-5550  
Fax 805-547-5550

Docket No.: TRACKER.1C1DV1

Customer No.: 20,995

## AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Stephen H. Albertson et al.  
App. No. : 10/728,693  
Filed : December 5, 2003  
For : CATEGORIZING  
FASTENERS AND  
CONSTRUCTION  
CONNECTORS USING  
VISUAL IDENTIFIERS  
Examiner : Neill R. Wilson  
Art Unit : 3679

## CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to Examiner Neill R. Wilson, Fax No. (703) 872-9306 (Central fax) of the USPTO on the date shown below:

May 13, 2004

Michael A. Guiliana, Reg. No. 42,611

RECEIVED  
CENTRAL FAX CENTER

MAY 13 2004

OFFICIAL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Preliminary Remarks in 2 pages.
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Michael A. Guiliana  
Registration No. 42,611  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

H:\DOCS\MAG\MAG-6321.DOC  
051304

TRACKER1C1DV1

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stephen H. Albertson et al.  
 Appl. No. : 10/728,693  
 Filed : December 5, 2003  
 For : CATEGORIZING FASTENERS  
 AND CONSTRUCTION  
 CONNECTORS USING VISUAL  
 IDENTIFIERS  
 Examiner : Neill R. Wilson  
 Group Art Unit : 3679

## CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to Examiner Neill R. Wilson, Fax No. (703) 872-9306 (Central fax) of the USPTO on the date shown below:

May 13, 2004

(Date)

Michael A. Guiliiana, Reg. No. 42,611

PRELIMINARY REMARKSRECEIVED  
CENTRAL FAX CENTER

MAY 13 2004

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

OFFICIAL

Dear Sir:

Prior to examination of the present application, Applicant submits the following remarks.

REMARKS

Applicants would like to thank Examiner Wilson for the courteous interview extended to applicants' counsel, Michael A. Guiliiana, on April 22, 2004. During the interview, the Examiner indicated that it would helpful if Applicants submitted comments as to the relevance of U.S. Patent No. 5,511,917 issued to Dickson. In response, Applicants' counsel agreed to submit comments regarding the Dickson reference to the effect that the Dickson reference teaches one form of the prior art discussed in the Background section of the present application. For example, as set forth in the present application from page 2, line 17 through page 3, line 2:

Prior attempts to solve this problem have been unsuccessful. For example, one such attempt is described in U.S. Pat. No. 5,511,917 issued to Charles F. Dickson, the entirety of which is incorporated by reference as if fully set forth herein. The Dickson patent describes a complex system in which numbers and clock like markings are inscribed into nail heads. The markings represent a pattern from which the length and/or gauge of the nail can be identified. However, because the size of the markings is limited by the size of the nail head, for very small nails, the markings cannot be distinguished unless one is within a close proximity (12" maximum) to the nail due to the small size of the inscription. This

-1-